

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-130
Table of Allotments,)	RM-11216
FM Broadcast Stations.)	RM-11265*
(Cheyenne and Thomas, Oklahoma))	
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 23, 2005

Released: September 26, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued in response to a petition for rule making filed by Charles Crawford (Petitioner), requesting the allotment of Channel 247A at Thomas, Oklahoma. Petitioner filed comments, stating his continuing interest in pursuing the allotment, and reiterating his intention to apply for a construction permit, if allotted. In response to the *Notice*, Roger Mills County Broadcasting ("Roger Mills") timely filed a counterproposal proposing to allot Channel 247C3 to Cheyenne, Oklahoma.² No other pleadings were received.

2. Petitioner proposed to allot Channel 247A at Thomas consistent with the Commission's minimum distance separation requirements.³ The proposed reference coordinates are 35-44-00 North Latitude and 98-42-00 West Longitude with a site restriction of 4.4 kilometers (2.8 miles) east of the community. Thomas is an incorporated community with a 2000 U.S. Census population of 1,238 persons. The community has its own local government, schools, churches, and businesses. The *Notice* proposed the allotment of Channel 247A as a first local aural transmission service at Thomas, Oklahoma according to Petitioner's statements. However, as noted by Roger Mills, there is already a vacant allotment for Channel 288A at Thomas.⁴ Therefore, Petitioner's proposal for Channel 247A would provide a second rather than a first local aural transmission service at Thomas.

3. Roger Mills' counterproposal proposes to allot Channel 247C3 at Cheyenne, Oklahoma as a first local aural transmission service. The counterproposal proposes reference coordinates at 35-37-25 North Latitude and 99-40-11 West Longitude consistent with the Commission's minimum distance separation requirements. There is a site restriction of 1.1 kilometers (0.7 miles) north of Cheyenne. The community is incorporated with an elected Town Board, and has a 2000 U.S. Census population of 778 persons. Cheyenne has a fire department, schools, churches, and local businesses. It is the county seat of Roger Mills County.

¹ *Thomas, Oklahoma*, 20 FCC Rcd 6257 (MB 2005) ("Notice").

² The counterproposal was placed on Public Notice on July 29, 2005, Report No. 2723, (RM-11265*).

³ 47 C.F.R. § 73.207.

⁴ See *Clayton, Oklahoma, et al.*, 18 FCC Rcd 6535 (2003).

4. Generally, conflicting proposals are considered on a comparative basis consistent with the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.⁵ We believe the public interest would be served by allotting Channel 247C3 at Cheyenne, Oklahoma, as a first local aural transmission service which satisfies Priority Three. In contrast, Petitioner's proposal would provide a second local aural transmission service at Thomas, satisfying a lower priority under Priority Four. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

5. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, November 10, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Cheyenne, Oklahoma	247C3

6. A filing window period for Channel 247C3 for Cheyenne, Oklahoma will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the petition for rule making filed by Charles Crawford IS DISMISSED.

8. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).] *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).